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**Title:** AN ORDINANCE relating to surface water management rates and charges; amending Ordinance No. 7590, Sections 7 and 9, as amended.

**Sponsors:** Brian Derdowski, Greg Nickels, Chris Vance, Larry Gossett, Jane Hague, Kent Pullen, Rob McKenna, Bruce Laing, Ron Sims

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AN ORDINANCE relating to surface water management rates and charges; amending Ordinance No. 7590, Sections 7 and 9, as amended.

**..body**

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 7590, Section 7 as amended and K.C.C. 9.08.060, are each hereby amended to read as follows:

**Policy.** A. Coordination. It is the finding of the county that the majority of the basins in the service area are shared with incorporated cities and towns. In order to achieve a comprehensive approach to surface and storm water management the county and incorporated jurisdictions within a specific basin should coordinate surface and storm water management services. In addition, the program may contract for services with interested municipalities or special districts including but not limited to sewer and water districts, school districts, port districts or other governmental agencies.

B. Education of Public. It is the finding of the county that many of the difficulties found in the management of surface and storm water problems are contributed to by the general lack of public knowledge about the relationship between human actions and surface and storm water management. In order to achieve a comprehensive approach to surface and storm water management the county should provide general information to the public about land use and human activities which impact surface and storm water management. Pursuant to RCW 36.89.080 and RCW 36.89.085, it is the finding of the county that public school districts, or private

schools that have non-profit public benefit status as defined in RCW 24.03.490, can provide significant benefits to the county regarding surface and storm water management through educational programs and community activities related to protection and enhancement of the surface and storm water management system. These programs and activities can provide students with an understanding of human activities and land use practices that create surface and storm water problems and involve students by learning from first hand exposure, the difficulties of resolving surface and storm water management problems after they occur.

C. Developed parcels. It is the finding of the county that developed parcels contribute to an increase in surface and storm water runoff to the surface and storm water management system. This increase in surface and storm water runoff results in the need to establish rates and charges to finance the county's activities in surface and storm water management. Developed parcels shall be subject to the rates and charges of the Surface Water Management Program based on their contribution to increased runoff. The factors to be used to determine the degree of increased surface and storm water runoff to the surface and storm water management system from a particular parcel shall be the percentage of impervious surface coverage on the parcel and the total acreage of the parcel.

D. Undeveloped parcels. It is the finding of the county that undeveloped parcels do not contribute as much as developed parcels to an increase in surface and storm water runoff into the surface and storm water management system. Undeveloped properties shall be exempt from the rates and charges of the Surface Water Management Program.

E. Drainage facilities. It is the finding of the county that maintained drainage facilities mitigate the increased runoff contribution of developed parcels by providing on-site drainage control. Parcels served by retention/detention facilities which were: 1) required for development of the parcel pursuant to K.C.C. 9.04 and approved by King County; or 2) can be demonstrated as required in K.C.C. 9.08.080 B.5. by the property owner to provide detention/retention of surface and storm water to the standards set forth in K.C.C. 9.04 shall receive a discount as provided in the rates and charges of the Surface Water Management Program, provided that, the facility is maintained at the parcel owner's expense to the standard established by the department of public works. That portion of the rates or charges allocated for payment of debt service on revenue or general obligation bonds issued to finance storm water control facilities will not be discounted for retention/detention facilities.

F. Open space. It is a finding of the county that open space properties provide a benefit to the surface and storm water management system by the retention of property in an undeveloped state. Open space properties shall receive a discount from the rates and charges to encourage the retention of property as open space.

G. Residential parcels. It is a finding of the county that the majority of the parcels in the service area are residential. The variance between residential parcels in parcel size and percentage of impervious

surface coverage is found to be minor and to reflect only minor differences in increased runoff contributions. The administrative cost of calculating the service charge individually for each residential parcel and maintaining accurate information would be very high. A flat charge for residential parcels is less costly to administer than calculating a separate charge for each parcel and is equitable because of the similarities in total parcel size and total impervious surface coverage between residential parcels. Therefore, residential parcels shall be charged a flat charge based upon the average parcel size and average percentage of impervious surfaces.

H. Very lightly developed parcels. It is a finding of the county that very lightly developed non-residential parcels which have an impervious surface coverage of ten percent or less of the total parcel acreage are characterized by a very low intensity of development and generally a large number of acres. A greater number of acres of undeveloped land associated with an impervious surface results in significantly less impact to the surface and storm water management system. Many of the very lightly developed properties are recreational, agricultural and timber lands identified in the King County comprehensive plan and should be encouraged to retain their low intensity of development. These parcels shall be charged a flat rate which will encourage the retention of large areas of very lightly developed land.

I. Lightly to very heavily developed parcels. It is the finding of the county that lightly to very heavily developed non-residential parcels which have an impervious surface coverage of more than ten percent have a substantial impact on the surface and storm water management system. The impact of these parcels on the surface and storm water management system increases with the size of the parcels. Therefore, lightly to very heavily developed properties shall be charged a rate determined by the percent of impervious surface coverage multiplied by the parcel acreage.

J. Road systems. It is a finding of the county that county and state roads contribute a significant amount of increased runoff to the surface and storm water management system, which contributes to the need for basin planning, drainage facilities and other related services. However, both the county roads and state highway programs provide substantial annual programs for the construction and maintenance of drainage facilities, and the roads systems and their associated drainage facilities serve as an integral part of the surface and storm water management system. The rate charged county roads and state highways shall reflect the benefit which county roads and state highway facilities provide to the surface and storm water management system. County and state road drainage systems unlike the drainage systems on other properties are continually being upgraded to increase both conveyance capacity and control. It is envisioned that the roads program will work cooperatively with the Surface Water Management Program to improve regional surface and storm water management services as new information is available from basin plans and other sources. The percentage of impervious surface coverage for county roads and state highways shall be calculated by dividing average width of roadway and shoulder by the average width of the right of way. The service charge shall be calculated

in accordance with RCW 9.03.525.

K. Public Benefit Corporations. Pursuant to RCW 36.89.080, it is the finding of the county that non-profit public benefit corporations as defined in RCW 24.03.490 provide significant benefits and services to the county. In order to discharge its indebtedness to the county for its surface water management fees, a non-profit public benefit corporation may elect (1) to provide public education to its constituents or the general public on surface and storm water ecology in accordance with KCC 9.08.080 and/or (2) to provide volunteer labor on existing projects of the surface water management program and/or (3) to provide volunteer labor for its own proposals for educational or work projects approved by the surface water manager. The surface water manager shall allow any qualified public benefit corporation to discharge its indebtedness to the county for its surface water fee by providing such services up to a maximum of seventy percent of the annual fee amount in accordance with rules adopted pursuant to K.C.C. 9.08.120(C)."

K. Nonprofit public benefit corporation. Pursuant to RCW 36.89.080, it is the finding of the county that churches, social services organizations and private schools which are exempt from real estate taxes under RCW 84.36 land users that are nonprofit public benefit corporations as defined in RCW 24.03.490 that would be entitled to a property tax exemption under RCW 84.36 if the land user owned the property provide significant benefits and services to the county. Parcels used by these organizations shall be charged twenty-five percent of the rates and charges of the surface water management program but not less than the residential rate. This reduction shall be effective for rates and charges payable in 1996 and thereafter.

K. Public Benefit Corporations. Pursuant to RCW 36.89.080, it is the finding of the county that public benefit corporations which are exempt under 501(c)(3) of the Internal Revenue Code and which are exempt from Washington State real estate tax under RCW 84.36.020 (church) provide significant benefits and services to the county. Properties owned by such organization which exceed two acres in area shall be charged thirty per cent of the amount of surface water management service charges as regularly computed and properties owned by such organizations under two acres in area shall be charged at the residential rate.

((K))L. Service charge revenues. It is the finding of the county that comprehensive management of surface and storm water runoff must include anticipation of future growth and development in the design and improvement of the surface and storm water management system. Service charge revenue needs shall be based upon the present and future requirements of the surface and storm water management system, and these needs shall be considered when determining the rates and charges of the program.

((L))M. Basin plans. It is the finding of the county that basin plans are essential to establishing a comprehensive approach to a capital improvement program, maintenance of facilities and regulation of new developments. A plan should analyze the measures needed to control surface and storm water runoff which results from existing and anticipated development within the basin. The measures investigated to control runoff

should include land use regulation such as setback requirements or community plan revisions which revise land use densities as well as the use of drainage facilities. A plan also should recommend the quantity and water quality runoff control measures required to further the purposes set forth in K.C.C. 9.08.040, and community goals. The institutional requirements and regulations, including but not limited to land use management, funding needs, and incentives for preserving the natural surface water drainage system should be identified in the plan. The proposed ordinances and regulations necessary to implement the plan shall be transmitted to the council simultaneously with the plan.

((M))N. Service area. It is the finding of the county that areas now requiring urban services, areas designated to receive urban services or areas exhibiting development related surface and storm water problems require comprehensive management of surface and storm water problems. The council finds that the service area set forth in K.C.C. 9.08.050 B. consists of the drainage basins or sub-basins in which a significant area exhibits development related surface and storm water problems or a significant area has been designated by the King County comprehensive plan, its supplements and revisions and community and middle plans, as specified in K.C.C. chapter 20.12 for urban development or development densities requiring urban services, or designated as transitional areas.

((N))O. Need for mitigation. It is the finding of the county that additional surface and storm water runoff problems may be caused by new land use development if not properly mitigated both through protection of natural systems and through constructed improvements. The Surface Water Design Manual, K.C.C. 9.04 and the Sensitive Areas Ordinance 9614 have been adopted by King County to mitigate the impact of new land use development. Further mitigation of these impacts is based on expertise which continues to evolve as new information on our natural systems is obtained and new techniques are discovered. The Surface Water Management Program, through reconnaissance studies, basin plans, and other special studies, will continuously provide valuable information on the existing problems and areas of the natural drainage system that need special protection. The county is researching and developing methods to protect the natural drainage system through zoning, buffering, and setbacks to alleviate existing problems. Setback and buffering measures allow natural preservation of wetland and stream corridors to occur, alleviate erosion and water pollution and provide a safe environment for the small mammals and fish which inhabit sensitive areas. Based upon the above findings, and as information and methods become available, the executive, as appropriate shall draft and submit to the council, regulations and development standards to allow protection of the surface and storm water management system including natural drainage systems.

((O))P. Financial management operating policy. The program will maintain long term fiscal viability and fund solvency for all of its related funds. All required capital and operating expenditures will be covered by service charges and other revenues generated or garnered by the program. The program will pay all current operating expenses from current revenues and will maintain an operating reserve to minimize service impacts due to revenue or expenditure variances from plan during a fiscal

year. This reserve will be calculated based on the historic variability of revenue and expenditures. The program will adopt a strategic financial planning approach which recognizes the dynamic nature of the program's fiscal operating environment. Long term projections will be updated in the program's adopted strategic plan. One-time revenues will be dedicated to one-time-only expenditures and will not be used to support ongoing requirements. The program's approach to financial reporting and disclosure will be comprehensive, open, and accessible.

((P))Q. Financial management capital policy. The program shall prepare an annual, multi-year Capital Improvement Program which encompasses all of the program's activities related to the acquisition, construction, replacement, or renovation of capital facilities or equipment. All proposed new facilities will be subject to a consistent and rigorous needs analysis. The program's capital facilities will be planned and financed to ensure that the benefits of the facilities and the costs for them are balanced over time.

((Q))R. Financial management debt policy. The program will manage its debt to ensure continued high credit quality, access to credit markets, and financial flexibility. All of the program's debt management activities will be conducted to maintain at least the current credit ratings assigned to the county's debt by the major credit rating agencies and to maintain an adequate debt service coverage ratio. Long term debt will not be used to support operating expenses. The program will develop and maintain a central system for all debt-related records which will include all official statements, bid documents, ordinances indentures, leases, etc., for all of the program's debt and will accurately account for all interested earnings in debt-related funds. These records will be designed to ensure that the program is in compliance with all debt covenants and with State and Federal laws.

SECTION 2. Ordinance 7590, Section 9, as amended K.C.C. 9.08.080, are each hereby amended to read as follows:

Rate Adjustments and Appeals. A. Any person billed for service charges may file a "Request for Rate Adjustment" with the surface water management division within three years of the date from which the bill was sent. However, filing of such a request does not extend the period for payment to the charge.

B. Requests for rate adjustment may be granted or approved by the director only when one of the following conditions exists:

1. The parcel is owned and is the personal residence of a person or persons determined by the county assessor as qualified for a low income senior citizen property tax exemption authorized under RCW 84.36.381; parcels qualifying hereunder shall be exempt from all charges imposed in K.C.C. 9.08.070;
2. The acreage of the parcel charged is in error;
3. The parcel is non-residential and the actual impervious surface coverage of the parcel charged places it in a different rate category than the rate category assigned by the division;
4. The parcel is non-residential and the parcel meets the definition of open space in section 9.08.010 of this chapter. Parcels qualifying hereunder will be charged only for the area of impervious surface and at

the rate which the parcel is classified under using the total parcel acreage;

5. The parcel is served by one or more retention/detention facilities required pursuant to the provisions of K.C.C. 9.04, or can be demonstrated by the property owner to provide retention/detention of surface and storm water to the standards set forth in K.C.C. 9.04, and is maintained at the expense of the parcel owner to the standards required by the department of public works. Non-residential parcels except in the light category qualifying hereunder shall be charged at the rate of one lower rate category than it is classified by its percentage of impervious surface coverage. Non-residential parcels in the light rate category qualifying hereunder shall be charged at the rate of \$85.02/acre/year. Residential parcels and parcels in the very light category qualifying hereunder shall be charged \$41.51/parcel/year;

6. The parcel is owned or leased by a public school district~~((s))~~ or private school that has non-profit public benefit status which provides activities which directly benefit the Surface Water Management Program. The activities may include: curriculum specific to the issues and problems of surface and storm water management, and student activities in the community to expose students to the efforts required to restore, monitor or enhance the surface and storm water management system. Pursuant to RCW 36.89.080 and RCW 36.89.085, the amount of the rate adjustment shall be determined by the director based upon the cost of the activities to the school district or private school that has non-profit public benefit status but not to exceed the value of the activity to the Surface Water Management Program. Determination of which activities qualify for the surface water management service charge reduction will be made by the surface water management division. Reductions in surface water management service charges will only be granted to school districts or private schools that have non-profit public benefit status which provide programs that have been evaluated by the surface water management division. The rate adjustment for the school district or private school activity may be applied to any parcel in the service area which is owned or operated by the school district~~((s))~~ or private school. The Surface Water Management division, shall apply the same standard and the same reduction to private schools as it applies to public school districts;

or

7. The service charge bill was other wise not calculated in accordance with the terms of this chapter, or

8. The parcel is owned and used by a nonprofit public benefit corporation as defined in RCW 24.03.490. Those parcels which qualify for a discounted rate under K.C.C. 9.08.060, subpart K, shall be allowed to discharge their indebtedness to the county for its surface water fee by providing services up to a maximum of seventy percent of the annual fee amount in accordance with rules adopted pursuant to K.C.C. 9.08.120(C). This reduction shall be effective for rates and charges payable in 1998 and thereafter.

C. The property owner shall have the burden of proving that the rate

adjustment sought should be granted.

D. Decisions on requests for rate adjustment shall be made by the director based on information submitted by the applicant and by the division within thirty days of the adjustment request except when additional information is needed. The applicant shall be notified in writing of the director's decision. If an adjustment is granted which reduces the charge for the current year or two prior years, the applicant shall be refunded the amount overpaid in the current and two prior years. This amended bill shall be due and payable under the provisions set forth in K.C.C. 9.08.100. The director may include in the bill the amount undercharged for two previous billing years in addition to the current bill.

F. Decisions of the director on requests for rate adjustments shall be final unless within thirty days of the date the decision was mailed, the applicant submits in writing to the director a notice of appeal setting forth a brief statement of the grounds for appeal and requesting a hearing before the King County zoning and subdivision examiner. The examiner's decision shall be a final decision pursuant to the provisions of K.C.C. 20.24.080.

SECTION 3. Ordinance 7590, Section 15, as amended and K.C.C. 9.08.120, are each and hereby amended to read as follows:

9.08.120 Administrative procedures. Pursuant to K.C.C. 2.98 the director shall develop administrative procedures relating to the implementation of this chapter. This includes but is not limited to:

A. Procedures for the imposition and collection of service charges and/or for filing of liens and initiation of foreclosure on delinquent accounts and the collection of the debt service portion of the service charge in areas that annex or incorporate; and

B. Lake Management Plans for:

1. Beaver Lake;
2. Lake Desire

C. Administrative rules and regulations needed to implement the provisions of K.C.C. 9.080.60, subsection K. Public Benefit Corporations, regarding the exchange of volunteer hours for surface water management fees. The director shall submit all rules and regulations needed to implement the provisions of K.C.C. 9.080.60, subsection K. to the Clerk of the Council in appropriate legislative form for approval by council on or before October 1, 1997.

once ten days prior in official paper